

1 Anthony L. Martin
2 Nevada Bar No. 8177
3 anthony.martin@ogletreedeakins.com
4 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
5 10801 W. Charleston Blvd, Suite 500
6 Las Vegas, NV 89135
7 Telephone: 702.369.6800
8 Fax: 702.369.6888

9 Michelle C. Krakora
10 Nevada Bar No. 8832
11 michelle.krakora@ogletreedeakins.com
12 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
13 200 S. Virginia Street, 8th Floor
14 Reno, NV 89501
15 Telephone: 775.234.3925
16 Fax: 775.440.2376

17 *Attorneys for Defendant Magma Holding Inc.*

18 **UNITED STATES DISTRICT COURT**

19 **FOR THE DISTRICT OF NEVADA**

20 CUITING WEI, an Individual,

21 Plaintiff,

22 vs.

23 MAGMA HOLDING INC., a domestic
24 corporation; DOES 1 through X; and ROE
25 CORPORATIONS I through X, inclusive,

26 Defendants.

27 Case No.: 2:23-cv-00567-JCM-BNW

28 **JOINT STIPULATION AND ORDER
REGARDING DEFENDANT'S MOTION
TO COMPEL ARBITRATION AND
STAY OF PROCEEDINGS PENDING
DECISION ON ECF NO. 7**

29 Plaintiff Cuiting Wei ("Plaintiff") and Defendant Magma Holding Inc. ("Defendant" or
30 "Magma") (collectively referred to as the "Parties"), by and through their respective undersigned
31 counsel of record, hereby stipulate and agree as follows: on June 16, 2023, Defendant filed its
32 Motion to Compel Arbitration and Stay Proceedings Pending Arbitration ("MTC"). (ECF No. 7.)
33 On that same date, the Court issued an Order Scheduling Early Neutral Evaluation ("ENE") Session,
34 setting the ENE conference for July 27, 2023, at 10:00 a.m. (ECF No. 9.) The parties will participate
35 in the ENE conference as scheduled with the understanding and agreement that Defendant's
36 participation does not constitute a waiver of its position on the MTC. Plaintiff agrees that she will

1 not object to Defendant's MTC on the basis that by participating in the ENE, Defendant has acted
 2 inconsistently with, or has waived its right to pursue, arbitration.

3 Further, the parties agree to extend the briefing schedule on the MTC. Plaintiff's response is
 4 currently due June 30, 2023, and Defendant's reply July 7, 2023. The parties agree to extend the
 5 briefing schedule as follows: if the ENE conference is not successful in resolving the matter,
 6 Plaintiff's response to the MTC will be due one week following the ENE conference, up to and
 7 including **August 3, 2023**, and Defendant's Reply will be due by **August 10, 2023**.

8 Further, the parties agree to stay other proceedings unrelated to the ENE and the briefing of
 9 the MTC pending a decision on Defendant's MTC. In the event that Defendant's MTC is denied,
 10 the parties agree to submit a Joint Proposed Discovery Plan and Scheduling Order within seven (7)
 11 days after the order is issued on ECF No. 7.

12 This Stipulation is made in good faith and is not intended for purposes of delay.

13 **IT IS SO STIPULATED.**

14 DATED this 26th day of June, 2023.

15 MAIER GUTIERREZ & ASSOCIATES

17 */s/ Danielle J. Barraza*

18 Danielle J. Barraza, Esq.
 19 Nevada Bar No. 13822
 20 8816 Spanish Ridge Avenue
 Las Vegas, NV 89148
 Attorney for Plaintiff Cuiting Wei

14 DATED this 26th day of June, 2023.

15 OGLETREE, DEAKINS, NASH, SMOAK & STEWART,
 P.C.

17 */s/ Michelle C. Krakora*

18 Anthony L. Martin
 19 Nevada Bar No. 8177
 20 10801 W. Charleston Blvd
 Suite 500
 Las Vegas, NV 89135

21 Michelle C. Krakora
 22 Nevada Bar No. 8832
 23 200 S. Virginia Street, 8th Floor
 Reno, NV 89501
 24 Attorneys for Defendant Magma Holding Inc.

ORDER

25 IT IS SO ORDERED.

Xem C. Mahan
 26 UNITED STATES DISTRICT JUDGE

27 July 24, 2023

28 DATED